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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,237	06/15/2001	William George Bickel		7545

7590 08/05/2003  
ANDREW T. PROKOPETZ  
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DURHAM, NC 27702-2049

EXAMINER

LEGESSE, NINI F

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Interview Summary

**Application No.**

09/881,237

**Applicant(s)**BICKEL ET AL. **Examiner**

Nini F. Legesse

**Art Unit**

3711

All participants (applicant, applicant's representative, PTO personnel):

(1) Nini F. Legesse.(3) Mark Goodwillie.(2) Andrew T. Prokopetz.(4) Dan Chapman.

Date of Interview: 29 July 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 2-13.

Identification of prior art discussed: US Patent 3,578,801 to Piazza.

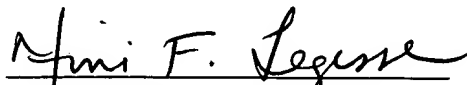
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: During the course of the interview, claims 2-13 were discussed as they relate to the prior art of record. Specifically, Mr. Prokopetz argued in great depth that Applicant's invention is a lot different than that of Piazza's (US Patent No. 3,578,801). Mr. Prokopetz also discussed a proposed amendment to claims 2 and 8. He stated that adding a limitation indicating that the hollow tube is of uniform diameter would overcome the prior art of record. He also requested that the examiner withdraw the finality of the office action since the original application was submitted pro se. However, examiner has indicated to Mr. Prokopetz that the final rejection stands and that the Piazza reference discloses all the structural limitations as claimed and the intended use argument, that he has discussed during the interview, is not given patentable weight since the manner in which the claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the Piazza's reference. Mr. Prokopetz requested that an advisory be sent to him based on the phone interview summary. But, Examiner indicated that advisory will be sent when he submits a formal proposed amendments and arguments. Examiner has also indicated that if the claims are amended to overcome the Piazza reference, Examiner will have to update her search to verify if other prior art would be available that would meet the amended claims. In conclusion, it was agreed that any formal amendment and argument that Applicant would provide in response to the office action would be considered upon submission and if there is any allowable subject matter and/ or suggestion for claim language examiner will try to indicate it in the advisory action.